

## **MINUTES OF MEETING**

A meeting of the Chiropractic Physicians' Board of Nevada was held on Saturday, January 27, 2007 in Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 1:00 PM:

Stephanie Youngblood, DC, President  
Margaret Colucci, DC, Vice President  
Ian Yamane, DC, Secretary  
Richard McCann, J.D., Consumer Member  
Donald Miner, DC, Member  
Curtis Potts, DC, Member

Dr. Youngblood determined that a quorum was present and called the meeting to order. Also present were Deputy Attorney General David Newton and CPBN Executive Director Cindy Wade.

Dr. Curtis Potts led those present in the Pledge of Allegiance.

### **Agenda Item 1 APPROVAL OF AGENDA**

Dr. Miner moved that the agenda be approved. Dr. Colucci seconded and the motion passed unanimously.

Dr. Youngblood noted for the record that attorney Elizabeth Foley, Annette Zaro, DC, and Maria Nutile, attorney for Todd Dreitzler, DC, were present.

### **Agenda Item 2 PUBLIC INTEREST COMMENTS**

There were no public interest comments.

### **Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: December 7, 2006**

Dr. Colucci moved for approval of the December 7, 2006 meeting minutes. Dr. Yamane seconded the motion and it passed unanimously.

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**Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:**

- A. Bank balance as of January 15, 2007**
- B. Income/Expense Report: July 1, 2006 through January 15, 2007**
- C. Accounts Receivable as of January 15, 2007**
- E. Accounts Payable as of January 15, 2007**
- F. Extraordinary Items/Items of Concern**

Cindy Wade reported that Dr. Miner successfully negotiated a \$2,630 write-off of Grant Thornton's bill due to their late audit report. Dr. Miner moved for approval of the Board Financial Reports. The motion was seconded by Dr. Colucci and passed with all in favor.

**Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:**

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
  - 1. Costs assessed since last report**
  - 2. Costs assessed year-to-date**
  - 3. Costs collected since last report**
  - 4. Costs collected year-to-date**

Cindy Wade gave a brief update of last-minute changes to the reports. She distributed a report of DC active license suspensions for non-renewal as of January 1, 2007 as well as a statistical report on utilization of on-line renewal. Dr. Yamane moved for approval of the Executive Director reports. Dr. Colucci seconded and the motion passed unanimously.

**CONSENT CALENDAR**

Dr. Miner moved for approval of the items on the Consent Calendar, as follows:

**Agenda Item 6 Approval of application for certification as Chiropractor's Assistant of Sharley Metcalfe.**

**Agenda Item 7 Denial of request from Nancy Fallon, DC, for partial refund of CA application fee.**

**Agenda Item 8 Approval of request from Robert Licata, DC, for waiver of reinstatement fee.**

Dr. Colucci seconded the motion which passed with all in favor.

**ADMINISTRATIVE AGENDA**

**Agenda Item 9 Discussion/possible approval of continuance of hearing in the matter of Aaron Fust, DC, Kenneth Fust, DC and Todd Dreitzler, DC.**

This matter was postponed until later in the meeting because Dr. Todd Dreitzler was not present.

**Agenda Item 10 Discussion/possible action regarding approval of Application for Licensure of DC applicant Casey D. Robinson.**

Dr. Casey D. Robinson was not present. Cindy Wade reported that Dr. Robinson had received and acknowledged proper notice of this matter. Dr. Miner moved for denial of Dr. Robinson's application based on the records submitted. Dr. Yamane seconded and the motion passed with all in favor.

**Agenda Item 11 Interview with John Hunt, Esq., as prospective attorney for CPBN prosecutions.**

This matter was postponed pending Mr. Hunt's presence.

**Agenda Item 12 Determination of disposition of new complaint received from Mark Witt, D.O.**

Cindy Wade apprised the Board of the latest communications received from Dr. Witt. Deputy Attorney General Newton reported on his research into this matter. Dr. Youngblood moved that the Board begin the rule-making process with research into scope of practice issues, starting with contacting the chiropractic colleges for their responses to Dr. Witt's inquiries to them. Dr. Yamane seconded and the motion passed unanimously.

**Agenda Item 9 Discussion/possible approval of continuance of hearing in the matter of Aaron Fust, DC, Kenneth Fust, DC and Todd Dreitzler, DC.**

Dr. Todd Dreitzler was present. Dr. Youngblood recused herself as the investigating board member in this matter and turned the Chair over to Dr. Colucci.

Elizabeth Foley, attorney for the CPBN, stated that a proposed Agreed Settlement with Dr. Dreitzler had been reached and she was prepared to present it to the Board for its approval. Dr. Miner questioned that a settlement agreement could not be addressed because it did not appear on the agenda. Following discussion, Dr. Miner moved for the recommended action in this matter, i.e., approval of a continuance of hearing in the matter of Aaron Fust, DC, Kenneth Fust, DC and Todd Dreitzler, DC. Dr. Potts seconded the motion and it passed with all in favor.

It was determined that Dr. Dreitzler can be available for this matter to be addressed at the February 24, 2007 meeting. It is to be agendaized prior to the hearing scheduled on that day for Drs. Aaron and Kenneth Fust.

**Agenda Item 11 Interview with John Hunt, Esq., as prospective attorney for CPBN prosecutions.**

Attorney John Hunt was present and an interview was conducted.

**Agenda Item 13 Scope of Practice:**

- A. Discussion/possible action with respect to inquiry from Mark Baxter, DC, as to whether chiropractors may or may not prescribe and dispense oral and/or topical hormonal products.**

**Agenda Item 13 Scope of Practice (cont'd):**

Dr. Mark Baxter was present. He stated that he was seeking clarity on the use of over-the-counter products. He was informed that the Board does not provide legal advice; also, that it is the Board's policy that use of over-the-counter products is okay.

**B. Discussion/possible action for finalization of Board's response to Western States Chiropractic College Scope of Practice Questionnaire.**

The Western States Scope of Practice Questionnaire was completed. The results will be forwarded to Western States with a request for the survey results.

**Agenda Item 14 FCLB/NBCE Annual Meeting in St. Louis, Missouri on May 2-6, 2007:**

**A. Approval for Board Members and Executive Director to attend FCLB/NBCE Annual Meeting**

Dr. Miner moved for approval of any Board members and CPBN Executive Director who wish to attend the FCLB/NBCE Annual Meeting. Dr. Colucci seconded and the motion passed unanimously.

**B. Appointment of FCLB and NBCE voting delegates and alternate delegates**

Dr. Youngblood moved for appointment of Dr. Colucci as NBCE voting delegate and FCLB alternate delegate, and Dr. Miner as FCLB voting delegate and NBCE alternate delegate. Dr. Miner seconded the motion and it passed unanimously.

**Agenda Item 15 Approval for Dr. Don Miner and Executive Director Cindy Wade to attend FARB Forum in San Antonio, Texas on February 2-4, 2007.**

Dr. Yamane moved that Dr. Miner and Cindy Wade be approved to attend the FARB Forum in San Antonio, Texas on February 2-4, 2007. Dr. Youngblood seconded and the motion passed unanimously.

**Agenda Item 16 Legislation:**

**A. Discussion/possible approval of proposal of amendment to S.B. 9 to include chiropractors.**

Dr. Miner reviewed the provisions of S.B. 9 and recommended the Board support and approve it with the additional amendment to also include chiropractic physicians and to authorize and direct the Legislative Committee to take all steps necessary toward such inclusion in S.B. 9. Dr. Yamane moved for approval of Dr. Miner's recommendation. Dr. Colucci seconded and the motion passed unanimously.

**B. Discussion/possible action to adopt public protection legislation to prohibit managed care organizations from interfering with the doctor-patient relationship.**

Dr. Miner recommended that a legal opinion be obtained with respect to NRS 695C.178, followed by solicitation and review of known violations as documented by the profession within Nevada to determine the extent of the MCO violations and remedies available. Dr. Yamane moved for approval of Dr. Miner's recommendation. Dr. Colucci seconded and the motion passed unanimously.

**C. Discussion with respect to consideration of regulating a mandatory informed consent statute.**

The board agreed with Dr. Miner's recommendation that research into this matter should be initiated for consideration of legislative efforts for the 2009 Legislature.

Dr. Potts left the meeting at 3:25 PM.

**NON-ACTION ITEMS:**

**Agenda Item 17 Committee Reports.**

Legislative Committee Chair Dr. Miner requested that Deputy AG Newton continue to monitor current legislation.

**Agenda Item 18 Correspondence Report.**

The Board determined that Cindy should not act upon an anonymous complaint against a licensee.

Cindy requested that anyone who wishes to participate in the NBCE Part IV testing processes please her know.

Dr. Miner will assist Cindy in completing an FCLB Power Poll.

**Agenda Item 19 Board Member Comments.**

The next meeting will commence at 9:00 AM on Saturday, February 24, and possibly on Sunday, February 25, 2007 at 9:00 AM. As soon as it is determined that this needs to be a two-day meeting Cindy will let Mr. Newton know so that he can schedule the meeting room for Sunday, February 25. The next meeting thereafter will commence at 9:00 AM on Friday, March 23, 2007.

**Agenda Item 20 Public Comment.**

There was no public comment.

**Agenda Item 21 Adjournment.**

Dr. Youngblood moved for adjournment at 3:44 PM. Dr. Yamane seconded. The motion passed unanimously.

Approved: February 24, 2007

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Ian K. Yamane, DC, Secretary